

SENATE BILL No. 97

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-11-3; IC 31-37-3.

Synopsis: Curfew law. Makes exceptions for circumstances under which the curfew restrictions would not apply to a child who is: (1) accompanied by certain adults; or (2) participating in, going to, or returning from lawful employment or a school sanctioned activity. Provides that it is a defense to a curfew violation if a child was engaged in an activity protected by federal or state law, including the free exercise of religion, freedom of speech, and the right of assembly. Provides that the defense applies only if the child engaged in the activity with the consent of the child's parent, guardian, or custodian. Provides that these new provisions to the curfew law expire July 1, 2002. Repeals a current curfew law provision and reinstates the same language contained in the provision on July 1, 2002. Makes a conforming amendment. (The introduced version of this bill was prepared by the interim study committee on juvenile and restorative justice.)

Effective: Upon passage; July 1, 2002.

Ford, Lanane, Kenley

January 8, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 97

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-11-3, AS AMENDED BY P.L.225-1999,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 3. (a) A license issued to an individual less
4 than eighteen (18) years of age is a probationary license.
5 (b) An individual holds a probationary license subject to the
6 following conditions:
7 (1) Except as provided in ~~IC 31-37-3-1~~, **IC 31-37-3**, the
8 individual may not operate a motor vehicle during the curfew
9 hours specified in IC 31-37-3-2.
10 (2) During the ninety (90) days following the issuance of the
11 probationary license, the individual may not operate a motor
12 vehicle in which there are passengers unless another individual
13 who:
14 (A) is at least twenty-one (21) years of age; and
15 (B) holds a valid operator's license issued under this article;
16 is present in the front seat of the motor vehicle.
17 (3) The individual may operate a motor vehicle only if the



individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed.

SECTION 2. IC 31-37-3-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. (a) This chapter does not apply to a child who is:**

(1) accompanied by the child's parent, guardian, or custodian;

(2) accompanied by an adult specified by the child's parent, guardian, or custodian; or

(3) participating in, going to, or returning from:

(A) lawful employment; or

(B) a school sanctioned activity.

(b) This section expires July 1, 2002.

SECTION 3. IC 31-37-3-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1.2. This chapter does not apply to a child who is:**

(1) accompanied by the child's parent, guardian, or custodian;

(2) accompanied by an adult specified by the child's parent, guardian, or custodian; or

(3) participating in, going to, or returning from:

(A) lawful employment;

(B) a school sanctioned activity; or

(C) a religious event.

SECTION 4. IC 31-37-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) It is a defense to a curfew violation under this chapter that the child, with the consent of the child's parent, guardian, or custodian, was engaged in an activity protected by federal or state constitutional law, including:**

(1) the free exercise of religion;

(2) freedom of speech; and

(3) the right of assembly.

(b) This section expires July 1, 2002.

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1 SECTION 5. IC 31-37-3-1 IS REPEALED [EFFECTIVE UPON
2 PASSAGE].
3 SECTION 6. **An emergency is declared for this act.**

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